

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

WILLIE YATES,

Plaintiff,

v.

AARON DISRO,

Defendant.

No. 05-cv-0096-DRH

MEMORANDUM and ORDER

HERNDON, Chief Judge:

On February 14, 2005, Willie Yates, an inmate housed at the Pinckneyville Correctional Center, brings this action for deprivations of constitutional rights pursuant to 42 U.S.C. § 1983 (Doc. 1). Specifically, Yates claims that Disro placed him in a “choke-sleeper hold forcing plaintiff to lose consciousness for a short period of time by way of suffocation.”

Pursuant to **28 U.S.C. § 636(b)(1)(B)**, Magistrate Clifford J. Proud submitted a Report and Recommendation (“the Report”) on January 25, 2008 (Doc. 32). The Report recommends that the Court deny Defendant’s motion to dismiss (Doc. 19).

The Report was sent to the parties with a notice informing them of their right to appeal by way of filing “objections” within ten days of service of the Report. To date, none of the parties has filed objections. The period in which to file objections has expired. Therefore, pursuant to **28 U.S.C. § 636(b)**, this Court need

not conduct *de novo* review. ***Thomas v. Arn*, 474 U.S. 140, 149-52 (1985).**

Accordingly, the Court **ADOPTS** the Report (Doc. 32). The Court **DENIES** Disro's motion to dismiss (Doc. 19).

IT IS SO ORDERED.

Signed this 12th day of February, 2008.

/s/ David R. Herndon

**Chief Judge
United States District Court**